

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**December 21, 2012**

**Elisabeth A. Shumaker  
Clerk of Court**

In re:

OWEN LEE WEST,

Movant.

No. 12-7061  
(D.C. Nos. 6:12-CV-00347-JHP &  
6:08-CR-00039-JHP-1)  
(E.D. Okla.)

**ORDER**

Before **HOLMES, EBEL**, and **MATHESON**, Circuit Judges.

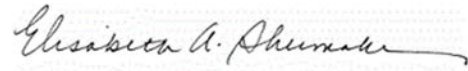
Movant Owen Lee West, a federal prisoner appearing pro se, has filed this motion seeking authorization to file a second or successive 28 U.S.C. § 2255 petition. We deny the motion.

Congress has placed strict limitations on second or successive § 2255 motions. Such a motion cannot proceed in the district court unless it is authorized by this court. *See id.* § 2255(h); *id.* § 2244(b)(3). We may authorize a claim only if the prisoner makes a prima facie showing that the claim relies on (1) “newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found [him] guilty of the offense”; or (2) “a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.” *Id.* § 2255(h). Mr. West concedes, however, that his claims

do not rely on newly discovered evidence or new rules of constitutional law. As such, Mr. West cannot satisfy the requirements of § 2255(h).

The motion for authorization is denied. This denial of authorization “shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.” 28 U.S.C. § 2244(b)(3)(E).

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written in black ink on a light-colored background.

ELISABETH A. SHUMAKER, Clerk